

## **B. REMARKS**

By this amendment, Claims 18 and 28 have been canceled, Claims 10, 20, 30, 32, 36, 38 and 40 have been amended and new Claims 44-49 added. Hence, Claims 10, 12, 20, 22 and 30-49 are pending in this application. The amendments to the claims were made to correct minor typographical errors and not for any reason related to patentability. The amendments to the claims and the new claims do not add any new matter to this application. All issues raised in the final Office Action mailed July 30, 2003 are addressed hereinafter.

### **1. TELEPHONE INTERVIEW SUMMARY**

The Examiner is thanked for the telephone interview conducted between the Examiner and the undersigned on December 22, 2003. During the interview, prior Claims 14, 15 and current Claims 18 and 32 were discussed. Agreement was reached that Claims 14 and 15 are patentable over the references cited to date, but that an additional search would be conducted after the filing of this RCE.

### **2. REJECTIONS FROM FINAL OFFICE ACTION**

#### **REJECTION OF CLAIMS 32-35 AND 40-43 UNDER 35 U.S.C. § 102(b)**

In the final Office Action, Claims 32-35 and 40-43 were rejected under 35 U.S.C. § 102(b) as being anticipated by *DeSomer*, U.S. Patent No. 5,173,901. Claim 32 is identical to previously-allowable Claim 15, except rewritten in independent form, including the limitations of the base Claim 10 and intervening Claim 13. Claims 33-35 depend from Claim 32. Claims 40-43 contain limitations similar to Claims 32-35, except in the context of computer-readable

media. It is therefore respectfully submitted that Claims 32-35 and 40-43 are patentable over *DeSomer*.

**REJECTION OF CLAIMS 10, 12, 18, 20, 22, 28, 30, 31 AND 36-39 UNDER 35 U.S.C. § 103(a)**

Claims 10, 12, 18, 20, 22, 28, 30, 31 and 36-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeSomer* in view of *Humphrey*, U.S. Patent No. 6,157,657. This rejection is moot with respect to canceled Claims 18 and 28. It is respectfully submitted that Claims 10, 12, 20, 22, 30, 31 and 36-39 are patentable over *DeSomer* and *Humphrey* for at least the reasons provided hereinafter.

**CLAIMS 10, 12, 20, 22, 30, 31 AND 36-39**

Claim 10 contains the limitations of previously-allowable Claim 14 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 14 depended directly from base Claim 10, Claim 10 was amended to include the limitations of Claim 14. Thus, Claim 10 should be in condition for allowance.

Claim 12 depends from Claim 10 and is therefore also in condition for allowance.

Claim 20 contains the limitations of previously-allowable Claim 23 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, since Claim 23 depended directly from base Claim 20, Claim 20 was amended to include the limitations of Claim 23. Thus, Claim 20 should be in condition for allowance.

Claim 22 depends from Claim 20 and is therefore also in condition for allowance.

Claims 30 and 31 contain the same limitations as Claims 10 and 12, except in the context of computer-readable media. Claims 30 and 31 should therefore also be in condition for allowance.

Claim 36 is previously-allowable Claim 25 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Specifically, Claim 25 was rewritten as new Claim 36, including the limitations of the base Claim 20 and intervening Claim 24. Thus, Claim 36 should be in condition for allowance.

Claims 37-39 depend from Claim 36 and are also in condition for allowance.

In view of the foregoing, it is respectfully submitted that Claims 10, 12, 20, 22, 30, 31 and 36-39 are patentable over *DeSomer* and *Humphrey*.

### **3. NEW CLAIMS 44-49**

New Claims 44 and 45 recite limitations similar to allowable Claims 10 and 12, except in the context of *apparati*. It is therefore respectfully submitted that Claims 44 and 45 are allowable over the references cited and relied upon for at least the reasons set forth herein with respect to Claims 10 and 12.

New Claims 46-49 recite limitations similar to allowable Claims 32-35, except in the context of *apparati*. It is therefore respectfully submitted that Claims 46-49 are allowable over the references cited and relied upon for at least the reasons set forth herein with respect to Claims 32-35.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

Dated: December 23, 2003

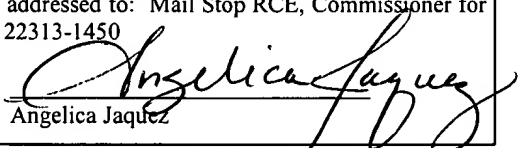
1600 Willow Street  
San Jose, CA 95125  
(408) 414-1204  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On December 23, 2003

By

  
Angelica Jaquez